ELECTION COMMISSIONS—SELECTION OF

313. Mr. M. L. Joseph *(Latin Christians-Cranganur):* Will the Government be pleased to state.—

(*a*) the number of election commissions appointed since the inception of the Cochin Legislative Council;

(*b*) the personnel of each of these commissions;

(*c*) at whose recommendation are these commissioners elected;

(*d*) was it the practice to consult the High Court in the matter of selecting election commissioners;

(*e*) was the High Court consulted in the selection of the commissioners who were recently functioning?

Mr. K. P. Kannan Nayar *(Secretary to Government):*

(*a*) Ten.

(*b*) A list containing the names of the commissioners is appended *(Appendix IV)*.

(*c*) Usually they are selected from a list of qualified candidates recommended by the High Court.

(*d*) No answer is necessary in view of answer to sub-division (*c*).

(*e*) No.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* May I know what is the objection in entrusting this work to Civil Courts?

Mr. K. P. Kannan Nayar *(Secretary to Government):* There may be delay in the matter of disposal of these petitions. Courts will have to sit continuously and that will probably prejudice the other works of the Courts also.

Mr. T. V. Subramania Ayyar *(Nemmara):* Is it not the practice with regard to the Legislative Council, of appointing Election Commissioners only?

Mr. K. P. Kannan Nayar *(Secretary to Government):* Yes.

Mr. A. B. Salem *(Mattancheri):* Are there not rules in connection with the appointment of Election Commissioners?

Mr. K. P. Kannan Nayar *(Secretary to Government):* Yes.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* It is given in the answer that the High Court was not consulted in the selection of the recent Commissioners. May I know, Sir, when was the list referred to in answer to (*c*) got down from the High Court?

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Mr. K. P. Kannan Nayar *(Secretary to Government):* I want notice.

Mr. T. V. Subramania Ayyar *(Nemmara):* Is there any question of communal representation in regard to the appointment of Election Commissioners? I find that different communities are represented on the Commission.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Because different communities represent the members of the Bar.

Mr. V. K. Bhaskara Menon *(Cranganur) :* May I know whether the Government are aware that the Election Commissioners deliver their judgment in open Court instead of submitting the report to the Government?

Mr. K. P. Kannan Nayar *(Secretary to Government):* I do not know.

Mr. V. K. Bhaskara Menon *(Cranganur) :* According to the rules they are to submit their report to the Government. For the information of the hon'ble member I may submit that as a matter of fact they are delivered in the open court. But it is a thing which ought to be confidential before orders are passed by the Government on the report.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I am not quite sure. It is not done *in camera.* Arguments are heard in open court and evidence is taken in open court. I do not see whether there is any objection in delivering the judgment also in the open court itself.

Mr. V. K. Bhaskara Menon *(Cranganur):* Do the Commissioners discuss in public the conclusions they are coming to?

Mr. President : Does the hon'ble member suggest that such a practice should be stopped?

Mr. V. K. Bhaskara Menon *(Cranganur):* Yes.

Mr. A. B. Salem *(Mattancheri):* Are not the Civil Procedure Code rules to be followed by the Commissioners?

Mr. K. P. Kannan Nayar *(Secretary to Government):* Yes.

Mr. President : As an analogy the Hon'ble Judges of the Privy Council make recommendations which will be pronounced in open court.

Mr. T. P. Poulose *(Kanayannur):* Is not the Government bound to accept the report and pass orders accordingly? The Government have no option to modify it.

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Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will the Government make it a point in future to consult the High Court at the time of appointing the Commissioners?

Mr. K. P. Kannan Nayar *(Secretary to Government):* Wherever Government think it necessary they invariably do so.

Mr. A. V. Moothedan *(Chalakkudi):* From the list of the previous years it is seen that the Presidents of the Commissions were selected from the High Court. In 1114 the District Judge was appointed the President. May I know why a High Court Judge was not appointed President?

Mr. K. P. Kannan Nayar *(Secretary to Government):* The rule does not lay down that the President should be a Judge of the High Court.

Mr. A. V. Moothedan *(Chalakkudi):* The precedent is that a High Court Judge was the President of the Commission.

Mr. K. P. Kannan Nayar *(Secretary to Government):* So far as the first President is concerned, Mr. Joseph Thaliath was only a practising Barrister here.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* May I know the reason for not consulting the High Court in the matter of appointment of the recent Commissioners?

Mr. K. P. Kannan Nayar *(Secretary to Government):* We have got a list of qualified persons from which we nominate. So it is not necessary to consult the High Court.

Mr. M. K. Devassy *(Adur):* So, until the list is exhausted Government are not bound to consult the High Court?

Mr. K. P. Kannan Nayar *(Secretary to Government):* No Government are not bound to consult.

Mr. M. K. Devassy *(Adur):* My question is whether it is the practice?

Mr. K. P. Kannan Nayar *(Secretary to Government):* The High Court has furnished a list and Government will make the selection from that list.

Mr. M. K. Devassy *(Adur):* May I know, Sir, whether the Government have the option of taking anybody as Commissioner without consulting the High Court?

Mr. K. P. Kannan Nayar *(Secretary to Government):* Government have the option.

Mr. A. B. Salem *(Mattancheri):* Rule 28 of the Cochin Legislative Council Electoral Rules are self-contained?

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Mr. K. P. Kannan Nayar *(Secretary to Government):* Yes.

Mr. A. B. Salem *(Mattancheri):* That gives a list from whom Government may make the selection.

Mr. M. K. Devassy *(Adur):* Do the Government consult the High Court?

Mr. K. P. Kannan Nayar *(Secretary to Government):* No.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Does this list contain the names of all the vakils who have practised for five years or those whom the High Court suggest as Commissioners?

Mr. K. P. Kannan Nayar *(Secretary to Government):* So far as the qualifications for appointment are concerned, they are laid down in the rules. Government have only asked the High Court to furnish a list. The list is already there and Government make the appointment.

Mr. T. P. Poulose *(Kanayannur):* Has the High Court to do anything with the appointment of Commissioners?

Mr. K. P. Kannan Nayar *(Secretary to Government):* No.

Mr. C. R. Iyyunni *(Trichur-South):* May I know whether as a matter of fact the High Court has been consulted at any time?

Mr. K. P. Kannan Nayar *(Secretary to Government):* So far as I remember the High Court was consulted with regard to the first two. But I cannot say with regard to the others.

KURIES ACT—BANKS AND SECURITIES—APPROVED FOR

314. Mr. V. K. Bhaskara Menon *(Cranganur):* Will the Government be pleased to state the names of the banks and securities which are approved by the Government for the purposes of the Kuries Act, VII of 1107?

Mr. K. P. Kannan Nayar *(Secretary to Government):* The following banks have been approved for the purposes of the Act.—

(1) The Post Office Savings Bank.
(2) Branches of the Imperial Bank of India within the State.
(3) The Cochin Central Co-operative Bank.
(4) The Chaldean Syrian Bank Ltd., Trichur.
(5) The Catholic Syrian Bank Ltd., Trichur.
(6) The South Indian Bank Ltd., Trichur.
(7) The Indo-Mercantile Bank Ltd., Cochin.
(8) The Vyavasaya Bank Ltd., Peringottukara.

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APPENDIX IV

(Please see answer to question No. 313)

	Names of Commissioners.
E. P. 1/1100	1. Joseph Thaliath Esq., M. A., Bar-at-Law, President 2. M. R. Ry. K. P. Kannan Nayar Avl. 3. ,, T. N. Vaidyanatha Vajappaier Avl.
E. P. 1/1106	1. M. R. Ry. P. I. Varughis Avl., President 2. ,, K. J. Guna Pai Avl. 3. ,, A. S. Vengu Ayyar Avl.
E. PS. 1, 2, 3, and 4 of 1110	1. M. R. Ry. V. D. Ouseph Avl., President 2. ,, Rao Sahib K. J. Guna Pai Avl. 3. ,, M. Narayana Menon Avl.
E. PS. 1 and 2 of 1113	1. M. R. Ry. P. V. Lonappan Avl., President 2. ,, K. Sankara Kurup Avl. 3. ,, C. P. Vaidyanatha Ayyar Avl.
E. P. 1/1114	1. M. R. Ry. A. Madhava Prabhu Avl., President 2. ,, P. Raman Menon Avl. 3. ,, T. S. Viswanatha Ayyar Avl.
E. P. 1/1115	1. M. R. Ry. A. Madhava Prabhu Avl., President 2. ,, P. Raman Menon Avl. 3. ,, T. S. Viswanatha Ayyar Avl.

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